

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

OMAR YASEEN,

Plaintiff,

v.

ORDER

Civil File No. 17-5473 (MJD/DTS)

KATIE DEFIEL, et al.,

Defendants.

Omar Yaseen, pro se.

Jonathan D. Moler, Minnesota Attorney General's Office, Counsel for
Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated February 28, 2019. Defendants filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Schultz dated February 28, 2019.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge David T. Schultz dated February 28, 2019 [Docket No. 67].
2. Defendants' Partial Motion to Dismiss [Docket No. 33] is **GRANTED IN PART AND DENIED IN PART.**
3. Plaintiff's Eighth Amendment excessive force claim against Defendants Katie Defiel and David Rieshus is **DISMISSED.**
4. Plaintiff's Fourteenth Amendment due process claims are **DISMISSED.**
5. Plaintiff's Eighth Amendment medical care claim is **DISMISSED.**
6. Plaintiff's Minnesota tort law claim for negligence is **DISMISSED WITHOUT PREJUDICE.**

Dated: March 29, 2019

s/ Michael J. Davis

Michael J. Davis

United States District Court